

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LIFE TECHNOLOGIES CORPORATION,  
and APPLIED BIOSYSTEMS, LLC,**

***Plaintiffs.***

**v.**

**BIOSEARCH TECHNOLOGIES, INC.,  
BIO-SYNTHESIS, INC.,  
EUROFINS MWG OPERON INC., and  
THE MIDLAND CERTIFIED REAGENT  
COMPANY, INC.**

*Defendants.*

www.pearsoned.com

CIVIL ACTION NO. 2:09-cv-00283

## DEMAND FOR JURY TRIAL

**DECLARATION OF RICHARD V. CASE, PH.D.**

**I, Richard V. Case, Ph.D., do hereby declare and state as follows:**

1. I am the President and Chief Executive Officer of The Midland Certified Reagent Company, Inc. ("Midland"). I have personal knowledge of the facts set forth in this Declaration. I am competent to testify as to all matters stated, and if called upon to do so, I would testify to the facts set forth in this Declaration. I reviewed the First Amended Complaint filed against Midland in this matter and understand that Plaintiffs allege infringement by Midland of five U.S. patents by making, using, importing, selling and/or offering to sell certain dual-labeled probes (the "Accused Products"). I submit this Declaration in support of Midland's Motion for Severance and Transfer.

2. Midland is incorporated in Texas. Its headquarters, and sole place of business, is located at 3112 West Cuthbert Ave, Midland, Texas 79701. Midland is a small company with only two directors and twelve employees, all of whom reside in Midland, Texas.

3. Midland does not have any offices, operations, employees, representatives, equipment, or documents in the Eastern District of Texas. Midland has not sold any Accused Products in the Eastern District of Texas. Its sales of the Accused Products are incidental to its sales of its other products and, over the last seven years, have amounted to approximately \$110,000. In fact, sales of the allegedly infringing products comprise such a small percentage of Midland's business that Midland has, for the time being, discontinued offering these products.

4. Since its inception in 1978, Midland's sales of its other products in the Eastern District of Texas amounted to less than one percent (1%) of Midland's revenue. Midland does not directly advertise in the Eastern District of Texas and does not employ any sales representatives in the Eastern District of Texas. Other than its few sales of unrelated products, Midland has no connection to the Eastern District of Texas.

5. The manufacturing facility, documents, electronically stored information and all foreseeable witnesses associated with the Accused Products are located in Midland, Texas.

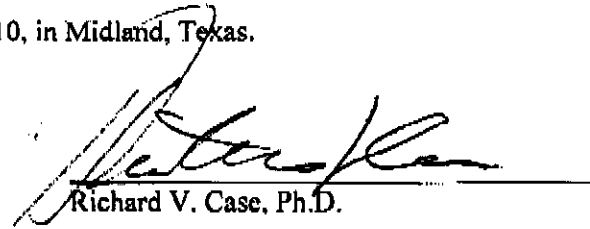
6. I am not aware of any witnesses located in the Eastern District of Texas that have knowledge relevant to the case against Midland.

7. Because Midland is a small business, defending itself against Plaintiffs' infringement allegations poses a significant financial burden to Midland. Trial of this lawsuit in the Eastern District of Texas rather than in the Western District of Texas, Midland-Odessa Division, would cause that burden to increase substantially.

8. I believe Midland will have no more than fourteen witnesses under its control who will be able to provide relevant testimony in this matter.

I do declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26 day of January, 2010, in Midland, Texas.



Richard V. Case, Ph.D.